

ORIGINAL

Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b),)
Table of Allotments, FM Broadcast Stations.)
(Leupp, Arizona))

MB Docket No. 09-____
RM - _____

FILED/ACCEPTED
FEB 12 2009
Federal Communications Commission
Office of the Secretary

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

PETITION FOR RULE MAKING

Cochise Broadcasting LLC ("Cochise"), licensee of KZXX, Doney Park, Arizona, by its attorneys, hereby respectfully submits its Petition for Rule Making to substitute Channel 293C2 for vacant Channel 255C2 at Leupp, Arizona. With respect thereto, the following is stated:

Cochise is submitting this Petition for Rule Making as a part of a hybrid application and rule making proposal. The proposed change in channel for the vacant allotment at Leupp, Arizona will allow station KZXX to go from being a short-spaced station authorized pursuant to Section 73.215 and using a directional antenna to a fully-spaced station using an omnidirectional antenna. KZXX has proposed to make this change in its application for minor modification of facilities, File No. BPH-20090210AED, which proposes a change from operation on Channel 250A to Channel 255A at Doney Park. The resulting elimination of the limitations imposed by the spacing restrictions and the ability to reach all areas around the station with an omnidirectional antenna clearly will serve the public interest.

As set forth in the attached Engineering Statement, the change in the KZXX channel can be made in accordance with Commission rules and policies, except for a short-spacing to the vacant allotment at Leupp. This petition proposes to eliminate that difficulty by changing the vacant allotment from Channel 255C2 to Channel 293C2. As noted in the attached Engineering

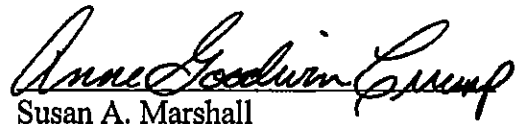
Statement, the new channel would utilize the current reference co-ordinates for the community of Leupp, and there would be no change in the class of channel allotted. The proposed channel substitution for the vacant Leupp allotment may be made entirely in accordance with the Commission's spacing and community coverage requirements.

Thus, grant of the instant petition would result in the elimination of a short-spaced, Section 73.215 allotment with its accompanying limitations, and it would allow for the use of an omnidirectional in lieu of a directional antenna. These positive steps would serve the public interest and would make more efficient use of the spectrum.

WHEREFORE, the premises considered, Cochise respectfully requests that the Commission grant its petition and substitute Channel 293C2 for Channel 255C2 at Leupp, Arizona.

Respectfully submitted,
COCHISE BROADCASTING LLC

By:


Susan A. Marshall
Anne Goodwin Crump

Its Attorneys

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ENGINEERING STATEMENT

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO SUBSTITUTE CHANNEL 293C2 FOR CHANNEL 255C2
FOR USE AT LEUPP, AZ**

COCHISE BROADCASTING LLC

2/2009

Engineering Statement

This Engineering Statement has been prepared on behalf of Cochise Broadcasting LLC ("Cochise"), licensee of FM station KZXK at Doney Park, Arizona, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to substitute Channel 293C2 for vacant Channel 255C2 at Leupp, Arizona.

Hybrid Application and Rulemaking Filing

The instant proposal is being filed as a part of a hybrid application and rulemaking proposal.

KZXK at Doney Park is presently authorized for operation¹ on Channel 250A as a §73.215 short-spaced station using a directional antenna, but could operate as a fully-spaced station with an omnidirectional antenna if the station moves to Channel 255A. The only conflict would be with a vacant allotment on Channel 255C2 at Leupp.

Therefore, it is being proposed in a Form 301 application to modify KZXK to specify operation on non-adjacent but same-class Channel 255A. Simultaneously, it is proposed by the instant rulemaking filing to substitute Channel 293C2 for vacant Channel 255C2 at Leupp.

The attached spacing study shows that the proposed Doney Park Channel 255A allotment and transmitter site (at the present site of KZXK) meets the co-channel and adjacent channel spacing requirements for Class A stations as prescribed in §73.207 of the Commission's Rules, with the exception of a short-spacing to the vacant allotment on Channel 255C2 at Leupp.

¹ The station has been constructed and a license application is pending.

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A second spacing study is included to demonstrate that Channel 293C2 can be substituted for Channel 255C2 at Leupp, using the Leupp reference coordinates at N35-17-02 x W110-57-52. The standard Class C2 70 dBu contour distance is 32.6 km, and as depicted on the attached map exhibit this site will provide 70 dBu service to 100% of Leupp.

Tuck Analysis

Neither element of this hybrid proposal involves the a change in community or the relocation of a station from a rural area to an urbanized area. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

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SEARCH PARAMETERS

FM Database Date: 090205

Channel: 255A 98.9 MHz
 Latitude: 35 14 26
 Longitude: 111 35 51
 Safety Zone: 32 km
 Job Title: DONEY PARK 255A

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Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
NEW-T APP	FLAGSTAFF AZ	BNPFT-00419AAK	202D 88.3	0.010 829.0	35-14-26 111-35-48	67.8	0.08 0.00	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30317GEI	253D 98.5	0.050 771.0	35-14-33 111-36-40	279.9	1.26 0.00	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30317CBD	254D 98.7	0.250 88.0	35-11-25 111-38-01	210.4	6.47 0.00	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30312AVZ	254D 98.7	0.010 774.0	35-14-33 111-36-37	280.6	1.18 0.00	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30310ALQ	254D 98.7	0.010 777.0	35-14-34 111-36-40	281.3	1.26 0.00	0 TRANS
NEW-T APP	PARKS AZ	BNPFT-30317GPY	254D 98.7	0.250 449.0	35-13-04 111-53-43	264.7	27.23 0.00	0 TRANS
NEW-T APP	WILLIAMS AZ	BNPFT-30312ARD	254D 98.7	0.010 842.0	35-12-04 112-12-21	265.6	55.56 0.00	0 TRANS
DKJKI VAC	LEUPP AZ	-	255C2 98.9	0.000 0.0	35-13-51 111-24-35	93.6	17.13 -148.87	166 SHORT
NOTE: TO 293C2 PER THIS RULEMAKING PROPOSAL								
K255AQ LIC	STRAWBERRY AZ	BLFT-40122ABT	255D 98.9	0.010 763.0	34-25-51 111-30-13	174.5	90.24 0.00	0 TRANS
KTMG RSV	PRESCOTT AZ	-	256C3 99.1	0.000 0.0	34-34-08 112-33-52	230.0	115.59 26.59	89 CLEAR
KTMG APP	PRESCOTT AZ	BPH-61024AEU	256C3 99.1	25.000 61.0	34-34-29 112-28-45	227.6	109.31 20.31	89 CLEAR
NEW-T APP	FLAGSTAFF AZ	BNPFT-30317GFY	257D 99.3	0.050 769.0	35-14-33 111-36-40	279.9	1.26 0.00	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30317GPO	257D 99.3	0.250 3540.0	35-14-31 111-36-25	280.2	0.87 0.00	0 TRANS
NEW-T APP	SEDONA AZ	BNPFT-30310AJK	257D 99.3	0.041 288.0	34-51-06 111-47-07	201.6	46.42 0.00	0 TRANS
NEW-T APP	SEDONA AZ	BNPFT-30317BTR	257D 99.3	0.010 296.0	34-51-12 111-47-08	201.7	46.26 0.00	0 TRANS

===== END OF FM SPACING STUDY FOR CHANNEL 255 =====

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SEARCH PARAMETERS

FM Database Date: 090205

Page 1

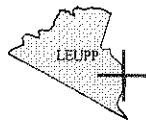
Channel: 293C2 106.5 MHz
 Latitude: 35 17 2
 Longitude: 110 57 52
 Safety Zone: 32 km
 Job Title: LEUPP 293C2

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KKLD	CLARKDALE		240C	0.000	34-58-05	234.8	60.69	35
RSV	AZ -		95.9	0.0	111-30-29		25.69	CLEAR
KKLD	CLARKDALE		240C	100.000	34-58-05	234.8	60.69	35
APP	AZ BPH-070119AIF		95.9	451.0	111-30-29	SS	25.69	CLEAR
KFSZ	MUNDS PARK		291C2	4.300	34-58-06	234.8	60.67	58
CP MOD	AZ BMEH-070117ABA		106.1	468.0	111-30-29		2.67	CLOSE
K292DF	FLAGSTAFF		292D	0.010	35-14-28	265.5	58.91	0
LIC	AZ BLFT-851031TB		106.3	924.0	111-36-35		0.00	TRANS
	FREDONIA		293C1	0.000	36-53-00	328.5	209.21	224
ADD	AZ RM-bg-143*		106.5	0.0	112-11-40		-14.79	SHORT
NOTE:	DENIED BY R&O IN DOCKET 05-263							
	FREDONIA		293C1	0.000	36-53-00	328.5	209.21	224
ADD	AZ RM-bg-144*		106.5	0.0	112-11-40		-14.79	SHORT
NOTE:	DENIED BY R&O IN DOCKET 05-263							
NEW-T	SEDONA		293D	0.041	34-51-06	237.5	88.91	0
APP	AZ BNPFT-030310AIV		106.5	288.0	111-47-07		0.00	TRANS
NEW-T	TUBA CITY		293D	0.075	36-07-54	344.8	97.55	0
APP	AZ BNPFT-030317FSS		106.5	197.0	111-14-60		0.00	TRANS
NEW-T	WILLIAMS		293D	0.010	35-11-58	265.6	113.18	0
APP	AZ BNPFT-030317LVG		106.5	895.0	112-12-13		0.00	TRANS
K294AN	PAYSON		294D	0.012 DA	34-17-17	190.7	112.42	0
LIC	AZ BLFT-950920TA		106.7	661.0	111-11-32		0.00	TRANS
	PINETOP		294C1	0.000	34-12-30	141.6	151.97	158
DEL	AZ RM-11413		106.7	0.0	109-56-12		-6.03	SHORT
NOTE:	PROPOSED DELETION RECORD IN DOCKET 07-297. LEUPP PROPOSAL IS FULLY-SPACED TO PINETOP 294C1 CP (SEE RECORD BELOW)							
KNKI	PINETOP		294C1	55.000	34-15-06	131.9	170.47	158
CP	AZ BPH-951109MG		106.7	378.0	109-35-06		12.47	CLEAR
DKKGL	PINETOP		294C1	0.000	34-07-30	143.6	159.35	158
VAC	AZ -		106.7	0.0	109-56-12		1.35	CLOSE
NEW-T	FLAGSTAFF		296D	0.010	35-14-34	265.7	59.02	0
APP	AZ BNPFT-030310AMA		107.1	777.0	111-36-40		0.00	TRANS

===== END OF FM SPACING STUDY FOR CHANNEL 293 =====

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Leupp 293C2
70 dBu - 32.6 km radius



Leupp 293C2 70 dBu Contour Map

0 7 14 21

Kilometers

Hatfield & Dawson 2/2009

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Leupp, Arizona, has been prepared by me or under my direct supervision. All representations herein are true to the best of my knowledge. I am a staff engineer in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the State of Washington.

Signed this 11th day of February, 2009



Erik C. Swanson, P.E.

Hatfield & Dawson Consulting Engineers